IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.352 OF 2006
IN
FIRST APPEAL NO.2009 OF 2005

Dayanand K. Shetty ...Appellant
Vs.
Brihanmumbai Municipal Corporation
Mumbai ...Respondent

Mr A.V. Anturkar i/by Mr Sugandh B. Deshmukh for the Appellant.
Mr J.J. Xavier for the Respondent.

CORAM : A. S. OKA, J.
DATE : APRIL 25, 2006.

P.C.:

1. Rule. The Respondent waives service. Taken up for hearing forthwith. Shri Anturkar appearing for the Appellant has invited my attention to paragraph No.11 of the impugned order. The relevant part of the paragraph No.11 reads thus:

> "11. Before parting with the order it has to be noted that the plaintiff has re-constructed temporary toilet block and this Court has passed an order of ad-interim injunction restraining the defendants from demolishing the said toilet block. The Ward Officer vide letter dated 15/11/1997 has informed the plaintiff that the construction of

W.C. can be considered for regularisation if there is balance F.S.I. subject to the consent of owner."

2. Shri Anturkar states that only toilet blocks have been reconstructed during the pendency of the suit and not the shed. He states that he will place on record the photographs of the toilet blocks within period of one week from today. Statement is accepted.

3. In view of this statement till the final disposal of the Appeal, the Respondent- Corporation is restrained from demolishing toilet blocks subject to condition that the Appellant will not carry out any further construction on the terrace. No orders as to costs.

JUDGE